

B104 (Form 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET

(Instructions on Reverse)

ADVERSARY PROCEEDING NO.

1-11-01095-cec

PLAINTIFF(S) Caritas Health Care, Inc.	DEFENDANT(S) Glacial Energy of New York
ATTORNEY(S) (Firm Name, Address, Telephone No.) Kenneth Oestreicher, Esquire Whiteford Taylor & Preston, LLP Seven Saint Paul Street, Suite 1800 Baltimore, Maryland 21202 Tel: 410-347-9495	ATTORNEY(S) (If Known)
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Other
CAUSE OF ACTION (Write a brief statement of cause of action, including all U.S. statutes involved.) Complaint to avoid preferential and fraudulent transfers and to recover property pursuant to 11 U.S.C. §§ 547, 548 and 550 and to disallow claims pursuant to 11 U.S.C. § 502(d)	
NATURE OF SUIT (Number up to 5 boxes with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)	
FRBP 7001(1) — Recovery of Money/Property <input type="checkbox"/> 11— Recovery of money/property - § 542 turnover of property <input checked="" type="checkbox"/> 12— Recovery of money/property - § 547 preference <input checked="" type="checkbox"/> 13— Recovery of money/property - § 548 fraudulent transfer <input type="checkbox"/> 14— Recovery of money/property— other	FRBP 7001(6) — Dischargeability (continued) <input type="checkbox"/> 61— Dischargeability - § 523(a)(5), domestic support <input type="checkbox"/> 68— Dischargeability - § 523(a)(6), willful and malicious injury <input type="checkbox"/> 63— Dischargeability - § 523(a)(8), student loan <input type="checkbox"/> 64— Dischargeability - § 523 (a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65— Dischargeability— other
FRBP 7001(2) — Validity, Priority or Extent of Lien <input type="checkbox"/> 21— Validity, priority or extent of lien or other interest in property	FRBP 7001(7) — Injunctive Relief <input type="checkbox"/> 71— Injunctive relief— imposition of stay <input type="checkbox"/> 72— Injunctive relief — other
FRBP 7001(3) — Approval of Sale of Property <input type="checkbox"/> 31— Approval of sale of property of estate and of a co-owner - § 363(h)	FRBP 7001(8) — Subordination of Claim or Interest <input type="checkbox"/> 81— Subordination of claim or interest
FRBP 7001(4) — Objection/Revocation of Discharge <input type="checkbox"/> 41— Objection/revocation of discharge - § 727(c), (d), (e)	FRBP 7001(9) — Declaratory Judgment <input type="checkbox"/> 91— Declaratory judgment
FRBP 7001(5) — Revocation of Confirmation <input type="checkbox"/> 51— Revocation of confirmation	FRBP 7001(10) — Determination of Removed Action <input type="checkbox"/> 01— Determination of removed claim or cause
FRBP 7001(6) — Dischargeability <input type="checkbox"/> 66— Dischargeability - § 523(a)(1), (14), (14A) priority tax claims <input type="checkbox"/> 62— Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67— Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	Other <input type="checkbox"/> SS-SIPA Case — 15 U.S.C. §§ 78aaa et seq. <input type="checkbox"/> 02— Other (e.g.,other actions that would have been brought in state court <small>if unrelated to bankruptcy case)</small>
<input type="checkbox"/> Check if this case involves a substantive issue of state	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand: \$643,717.43

Other Relief Sought:

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR Caritas Health Care, Inc.		BANKRUPTCY CASE NO. 09-40901(CEC)	
DISTRICT IN WHICH CASE IS PENDING Eastern District of New York		DIVISION OFFICE Brooklyn Office	NAME OF JUDGE Carla E. Craig
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.	
DISTRICT IN WHICH ADVERSARY PROCEEDING IS PENDING		DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) <u>/s/ Kenneth Oestreicher</u>		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Kenneth Oestreicher, Esquire Whiteford Taylor & Preston, LLP Seven Saint Paul Street, Suite 1800 Baltimore, Maryland 21202	
DATE: February 5, 2011			

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet. When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff, if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

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